

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION**

In re: Carol Ann Spofford, <i>aka Carol A. Spofford,</i> <i>aka Carol Spofford,</i> Debtor, NewRez LLC d/b/a Shellpoint Mortgage Servicing, Movant, v. Carol Ann Spofford, <i>aka Carol A. Spofford,</i> <i>aka Carol Spofford,</i> Debtor/Respondent, Jack N Zaharopoulos, Trustee/Respondent.	Bankruptcy No. 5:23-bk-02075-MJC Chapter 13 Related to Doc. No. 8
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**NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING’S OBJECTION TO
CONFIRMATION OF
DEBTOR’S CHAPTER 13 PLAN**

NewRez LLC d/b/a Shellpoint Mortgage Servicing, (“SHELLPOINT”), by and through its undersigned counsel, hereby objects to the proposed Chapter 13 Plan of Debtor, Carol Ann Spofford, and in support thereof alleges as follows:

1. Debtor, Carol Ann Spofford, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 12, 2023.
2. SHELLPOINT holds a security interest in the Debtor’s real property located 199 Frenchtown Road, Milford, PA 18337 (the “Property”), by virtue of a Mortgage recorded

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with the Pike County Recorder of Deeds on July 26, 2004 in Book 2059 Page No. 2431 which has ultimately been assigned to NewRez LLC d/b/a Shellpoint Mortgage Servicing.

3. Said Mortgage secures a Note in the amount of \$155,000.00
4. Upon review of internal records, it is anticipated that SHELLPOINT's Proof of Claim will include a pre-petition arrearage of approximately \$67,274.73 a true and correct copy of the pre-petition arrearage is attached hereto as Exhibit "A."
5. On September 12, 2023, Debtor filed a Chapter 13 Plan (the "Plan"). A true and correct copy of the Plan is attached hereto as Exhibit "B."
6. The Plan fails to account for the full pre-petition arrearage of \$67,274.73, as it only provides a total of \$63,798.09 that will be paid to Secured Creditor through the Plan. See Exhibit "B."
7. Further the Chapter 13 Plan proposes to sell the Property by September 30, 2024, to fund the Plan. A sale more than a year from the filing of the Chapter 13 Plan is too long for a proposed sale.
8. Thus, the Plan is understated as it does not accurately reflect the amount of the pre-petition arrearage which will be paid through the Chapter 13 Trustee's Office.
9. Accordingly, pursuant to 11 U.S.C.A. § 1325(a)(5) SHELLPOINT hereby objects to Debtor's proposed Plan due to the fact that the value of the property to be distributed thereunder will be less than the allowed amount under the claim. See 11 U.S.C.A. § 1325(a)(5)(B)(ii).

WHEREFORE, Secured creditor, NewRez LLC d/b/a Shellpoint Mortgage Servicing, respectfully requests that this Court not confirm the Chapter 13 Plan of Debtor Carol Ann Spofford.

Respectfully Submitted,

Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Authorized Agent for Secured Creditor
13010 Morris Rd., Suite 450
Alpharetta, GA 30004
Phone: (470) 321-7112
Fax: (404) 393-1425

By: /s/Michelle L. McGowan, Esq.
Michelle L. McGowan, Esq., Esquire
Pennsylvania Bar Number 62414 PA
Email: mimcgowan@raslg.com

Date: October 27, 2023

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In re: Carol Ann Spofford, <i>aka Carol A. Spofford,</i> <i>aka Carol Spofford,</i> Debtor, NewRez LLC d/b/a Shellpoint Mortgage Servicing, Movant, v. Carol Ann Spofford, <i>aka Carol A. Spofford,</i> <i>aka Carol Spofford,</i> Debtor/Respondent, Jack N Zaharopoulos, Trustee/Respondent.	Bankruptcy No. 5:23-bk-02075-MJC Chapter 13 Related to Doc. No. 8
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 27, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

Vincent Rubino
Newman Williams Mishkin Corveleyn et al
712 Monroe Street
PO Box 511
Stroudsburg, PA 18360-0511

Jack N Zaharopoulos
Standing Chapter 13
(Trustee)
8125 Adams Drive, Suite A
Hummelstown, PA 17036

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United States Trustee
US Courthouse
1501 N. 6th St
Harrisburg, PA 17102

Carol Ann Spofford
PO Box 887
199 Frenchtown Road
Milford, PA 18337-0887

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane &
Partners, PLLC**

Authorized Agent for Secured Creditor
130 Clinton Road, Suite 202, Lobby B
Fairfield, NJ 07004
Telephone: 973-575-0707
Fax: 973-404-8886

By: /s/Michelle L. McGowan, Esq.
Michelle L. McGowan, Esq., Esquire
Pennsylvania Bar Number 62414 PA
Email: mimcgowan@raslg.com